

**Kalaupapa National Historical Park  
Air Tour Management Plan  
Planning and NEPA Scoping Document**

March 3, 2004

Prepared by  
Volpe National Transportation Systems Center  
U.S. Department of Transportation

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**[4910-13]**

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**Environmental Assessments for the Air Tour Management Plan Program at Haleakala National Park, Hawaii Volcanoes National Park, Puukohola Heiau National Historic Site, Kaloko-Honokohau National Historical Park, Kalaupapa National Historical Park, and Pu'uuhonua O Honaunau National Historical Park**

**AGENCY:** Federal Aviation Administration, DOT

**ACTION:** Notice of Intent to Prepare Environmental Assessments and Notice of Initiation of Public Scoping

**SUMMARY:** The Federal Aviation Administration (FAA), in cooperation with the National Park Service (NPS), has initiated the development of Air Tour Management Plans (ATMPs) for Haleakala National Park, Hawaii Volcanoes National Park, Puukohola Heiau National Historic Site, Kaloko-Honokohau National Historical Park, Kalaupapa National Historical Park, and Pu'uuhonua O Honaunau National Historical Park, pursuant to the National Parks Air Tour Management Act of 2000 (Public Law 106-181) and its implementing regulations contained in Title 14, Code of Federal Regulations, Part 136, *National Parks Air Tour Management*. The objective of each ATMP is to develop acceptable and effective measures to mitigate or prevent the significant adverse impacts, if any, of commercial air tour operations upon the natural resources, cultural resources, and visitor experiences of the subject national park unit.

**DATES:**

*Scoping Period:* The 45-day scoping period will be initiated upon publication of this notice. Please submit any written response you may have within 45 days from the date of this Notice, or no later than Monday, April 12, 2004.

*Scoping Meetings:* Public scoping meetings have been scheduled for these projects as follows:

<b>Subject Park</b>	<b>Date</b>	<b>Time</b>	<b>Location</b>
Puukohola Heiau National Historic Site	Wednesday, March 24, 2004	4:30 PM to 7:00 PM	Waimea Civic Center Conference Room 67-5189 Kamamalu Street Kamuela, Hawaii
Hawaii Volcanoes National Park	Thursday, March 25, 2004	6:00 PM to 8:30 PM	King Kamehameha's Hotel, Kamakahonu Ballroom 75-5660 Palani Road Kailua-Kona, Hawaii
Hawaii Volcanoes National Park	Friday, March 26, 2004	6:00 PM to 8:30 PM	University of Hawaii at Hilo University Classroom Building 301 Room 100 200 West Kawili St. Hilo, Hawaii

Pu'uhonua O Honaunau National Historical Park	Thursday, March 25, 2004	6:00 PM to 8:30 PM	King Kamehameha's Hotel, Kamakahonu Ballroom 75-5660 Palani Road Kailua-Kona, Hawaii
Kaloko- Honokohau National Historical Park	Thursday, March 25, 2004	6:00 PM to 8:30 PM	King Kamehameha's Hotel, Kamakahonu Ballroom 75-5660 Palani Road Kailua-Kona, Hawaii
Kalaupapa National Historical Park	Saturday, March 27, 2004	6:00 PM to 8:30 PM	Kaunakakai Elementary School 30 Ailo Street Kaunakakai, Molokai
Kalaupapa National Historical Park	Monday, March 29, 2004	12:00 PM to 2:30 PM	Mc Veigh Social Hall Kalaupapa National Park Kalaupapa, Molokai
Haleakala National Park	Tuesday, March 30, 2004	6:00 PM to 8:30 PM	Hana Community Center (Old Hana School Cafeteria) 150 Uakea Road Hana, Maui
Haleakala National Park	Wednesday, March 31, 2004	6:00 PM to 9:30 PM	Mayor Hannibal Tavares Community Center 91 Pukalani Street Pukalani, Maui

**ADDRESSES:** Please submit any written response you may have within 45 days from the date of this Notice, or no later than Monday, April 12, 2004. Address your comments to:

Docket Management System  
Doc No. FAA-2004-17174  
U.S. Department of Transportation  
Room Plaza 401, 400 Seventh Street, SW.  
Washington, DC 20590-0001

You must identify the docket number FAA-2004-17174 at the beginning of your comments. If you wish to receive confirmation that FAA received your comments, include a self-addressed, stamped postcard. You may also submit comments through the Internet to <http://dms.dot.gov>. You may review the public docket containing comments in person in the Dockets Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Dockets Office is on the plaza level of the NASSIF Building at the Department of Transportation at the above address. Also, you may review public dockets on the Internet at <http://dms.dot.gov>. Additionally, comments will be received and recorded at the public scoping meetings.

**FOR FURTHER INFORMATION CONTACT:** Steve May, Air Tour Management Plan Program Manager, Executive Resource Staff, AWP-4, Federal Aviation Administration, Western-Pacific Region. Mailing address: P.O. Box 92007, Los Angeles,

California 90009-2007. Telephone: (310) 725-3808. Street address: 15000 Aviation Boulevard, Lawndale, California 90261. Email: [Steve.May@faa.gov](mailto:Steve.May@faa.gov)

**SUPPLEMENTARY INFORMATION:** In developing each ATMP and any associated rulemaking actions, the FAA is required to comply with the National Environmental Policy Act of 1969, which calls on Federal agencies to consider environmental issues as part of their decision making process. For the purposes of compliance with the National Environmental Policy Act, the FAA is the Lead Agency and the NPS is a Cooperating Agency. The FAA Air Tour Management Plan Program Office and the NPS Natural Sounds Program Office are responsible for the overall implementation of the ATMP Program.

Environmental Assessments are being prepared in accordance with FAA Order 1050.1D, *Policies and Procedures for Considering Environmental Impacts*. The FAA is now inviting the public, agencies, and other interested parties to provide comments, suggestions, and input regarding: (1) the scope, issues, and concerns related to the development of each ATMP; (2) the scope of issues and the identification of significant issues regarding commercial air tours and their potential impacts to be addressed in the environmental process; (3) the potential effects of commercial air tours on cultural and historic resources; (4) past, present, and reasonably foreseeable future actions which, when considered with ATMP alternatives, may result in significant cumulative impacts; and (5) potential ATMP alternatives. The FAA requests that comments be as specific as possible in response to actions that are being proposed under this notice.

Public scoping meetings have been scheduled for this project. The purpose of these scoping meetings is to describe the ATMP development and environmental processes, obtain public input regarding the ATMP and potential environmental concerns that may be appropriate for consideration in the Environmental Assessment, and to identify alternatives to be considered. Both oral and written comments will be accepted during these meetings. Agency personnel will be available to record your spoken comments. All recorded and written comments become part of the official record. The public scoping meetings will consist of a presentation in which the National Parks Air Tour Management Act of 2000 is introduced, existing conditions at Haleakala National Park, Hawaii Volcanoes National Park, Puukohola Heiau National Historic Site, Kaloko-Honokohau National Historical Park, and Pu'u honua O Honaunau National Historical Park are described and the ATMP development process at each park unit is explained. Following the presentation, the floor will be opened for public comments to be received.

Park-specific scoping documents that describe the project in greater detail are available at the following locations:

- Kalaupapa National Park Headquarters, Kalaupapa, Molokai
- Molokai Public Library, 15 Ala Malama, Kaunakakai, Molokai
- Haleakala National Park Headquarters, Mile Marker 11, Crater Road, Kula, Maui
- Hana Public and School Library, Hana, Maui
- Makawao Public Library, 1159 Makawao Avenue, Makawao, Maui
- Kahului Public Library in 90 School Street, Kahului, Maui
- Kalaupapa National Historic Park, P.O. Box 2222, Kalaupapa, Hawaii
- Kihei Public Library, 35 Waimahaihai Street, Kihei, Maui

- Lahaina Public Library, 680 Wharf Street, Lahaina, Maui
- Lana'i Public and School Library, 555 Fraser Avenue, Lana'i City, Maui
- Wailuku Public Library, 251 High Street, Wailuku, Maui
- Hawaii Volcanoes National Park Headquarters, 1 Crater Rim Drive, Hawaii Volcanoes, Hawaii
- Puukohola Heiau National Historic Site Headquarters, 62-3601 Kawaihai Road, Kawaihai, Hawaii
- Kaloko-Honokohau National Historical Park Headquarters, 73-4786 Kanalani Street, #14, Kailua-Kona, Hawaii
- Pu'uuhonua O Honaunau National Historical Park, Highway 160, Honaunau, Hawaii
- Hilo Public Library, 300 Waianuenue Avenue, Hilo, Hawaii
- Kailua-Kona Public Library, 75-138 Hualalai Road, Kailua-Kona, Hawaii
- Naalehu Public Library, 95-5669 Mamalahoa Highway, Naalehu, Hawaii
- Pahala Public and School Library, 96-3150 Pikake Street, Pahala, Hawaii
- Hawaii State Library, 478 South King Street, Honolulu, Oahu
- FAA Air Tour Management Plan Program Website, <http://www.atmp.faa.gov/>
- FAA Docket Management System Website, <http://dms.dot.gov>

Issued in Washington, DC on February 23, 2004

Ruth Leverenz  
Assistant Administrator for  
Region and Center Operations

## **Part 1 - Introduction to the Project**

### **A. Introduction**

The Federal Aviation Administration (FAA), in cooperation with the National Park Service (NPS), has initiated the development of an Air Tour Management Plan (ATMP) for Kalaupapa National Historical Park pursuant to the National Parks Air Tour Management Act of 2000 (Public Law 106-181) and its implementing regulations contained in Title 14, Code of Federal Regulations, Part 136, *National Parks Air Tour Management*. The objective of the ATMP is to develop acceptable and effective measures to mitigate or prevent the significant adverse impacts, if any, of commercial air tour operations upon the natural resources, cultural resources, and visitor experiences of Kalaupapa National Historical Park.

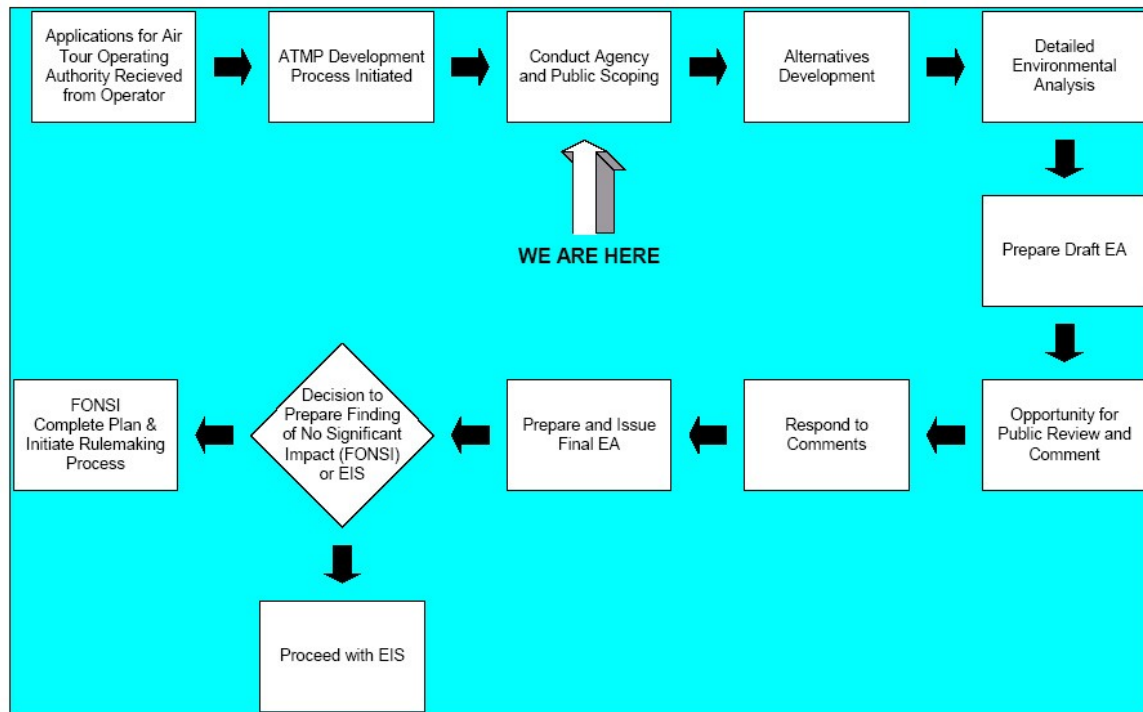
A commercial air tour operation is defined as a flight conducted for compensation or hire in a powered aircraft where a purpose of the flight is sightseeing over a national park, within ½ mile outside the boundary of any national park or over tribal lands, during which the aircraft flies below a minimum altitude of 5,000 feet (except for the purposes of takeoff or landing, or as necessary for the safe operation of the aircraft), or less than 1 mile laterally from any geographic feature within the park unless more than ½ mile outside the boundary. A commercial air tour operator is any person who conducts a commercial air tour operation.

In accordance with the National Parks Air Tour Management Act, the Kalaupapa National Historical Park ATMP: may prohibit commercial air tour operations in whole or in part; may establish conditions for the conduct of commercial air tour operations; shall apply to all commercial air tour operations within ½ mile outside the boundary of the National Park; shall include incentives for the adoption of quiet aircraft technology; and shall provide for the initial allocation of opportunities to conduct commercial air tour operations if the plan limits the number of such operations. The need for implementation of any of these measures must be justified and documented in the ATMP and within the Record of Decision.

### **B. Air Tour Management Plan (ATMP) Development Process**

The process is initiated in a particular location following the receipt of an Application for Air Tour Operating Authority from an existing or new entrant commercial air tour operator. The FAA has received applications for Commercial Air Tour Operating Authority from ten existing operators and one new entrant for Kalaupapa National Historical Park. The ATMP Planning and Environmental Assessment process is summarized in Figure 1. The scoping process has been initiated early in ATMP planning to ensure an early and open process for determining the scope of issues to be addressed and for identifying the significant issues related to commercial air tour operations over and within ½ mile of the national park. Following completion of the planning and environmental process, appropriate implementation actions will be taken for the selected ATMP alternative. This may include Federal Rulemaking (see Figure 1).

In developing the ATMP and any associated rulemaking actions, the FAA is required to comply with the National Environmental Policy Act of 1969 (National Environmental Policy Act), and its implementing regulations contained in 40 CFR Parts 1500-1508 (hereafter referred to as “the regulations”). The regulations mandate that the FAA and NPS shall, to the fullest extent possible, interpret and administer the policies, regulations and public laws of the United States in accordance the policies set forth in the National Environmental Policy Act and these regulations (1500.2(a)). The regulations also mandate that the FAA and NPS shall, to the fullest extent possible, use the National Environmental Policy Act process to identify and assess the reasonable alternatives to proposed actions that will avoid or minimize adverse effects of these actions upon the quality of the human environment and use all practical means, consistent with the requirements of the National Environmental Policy Act and other essential considerations of national policy, to restore and enhance the quality of the human environment and avoid or minimize any possible adverse effects of their actions upon the quality of the human environment (1500.2(e) and 1500.2(f)). For the purposes of complying with sections 1501.3 and 1501.5 through 1501.8 of CEQ regulations, the FAA is the lead agency and the NPS is a cooperating agency.



**Figure 1 - ATMP Planning and Environmental Assessment Process**

The FAA will, in cooperation with the National Park Service, prepare an Environmental Assessment (EA) in accordance with FAA Order 1050.1D. The FAA may decide to proceed with the development of an Environmental Impact Statement (EIS) at anytime during the development of the Environmental Assessment. This notwithstanding, following the planned development of the environmental assessment, either a Finding of No Significant Impact (FONSI) or environmental impact statement will be prepared. Prior to implementation of the ATMP and following any Federal rulemaking actions, a Record of Decision will be prepared.

Additional information on the ATMP Program is available on the FAA's ATMP Website located at [www.atmp.faa.gov](http://www.atmp.faa.gov). Interested parties may request information regarding the development of this and other ATMPs through this website.

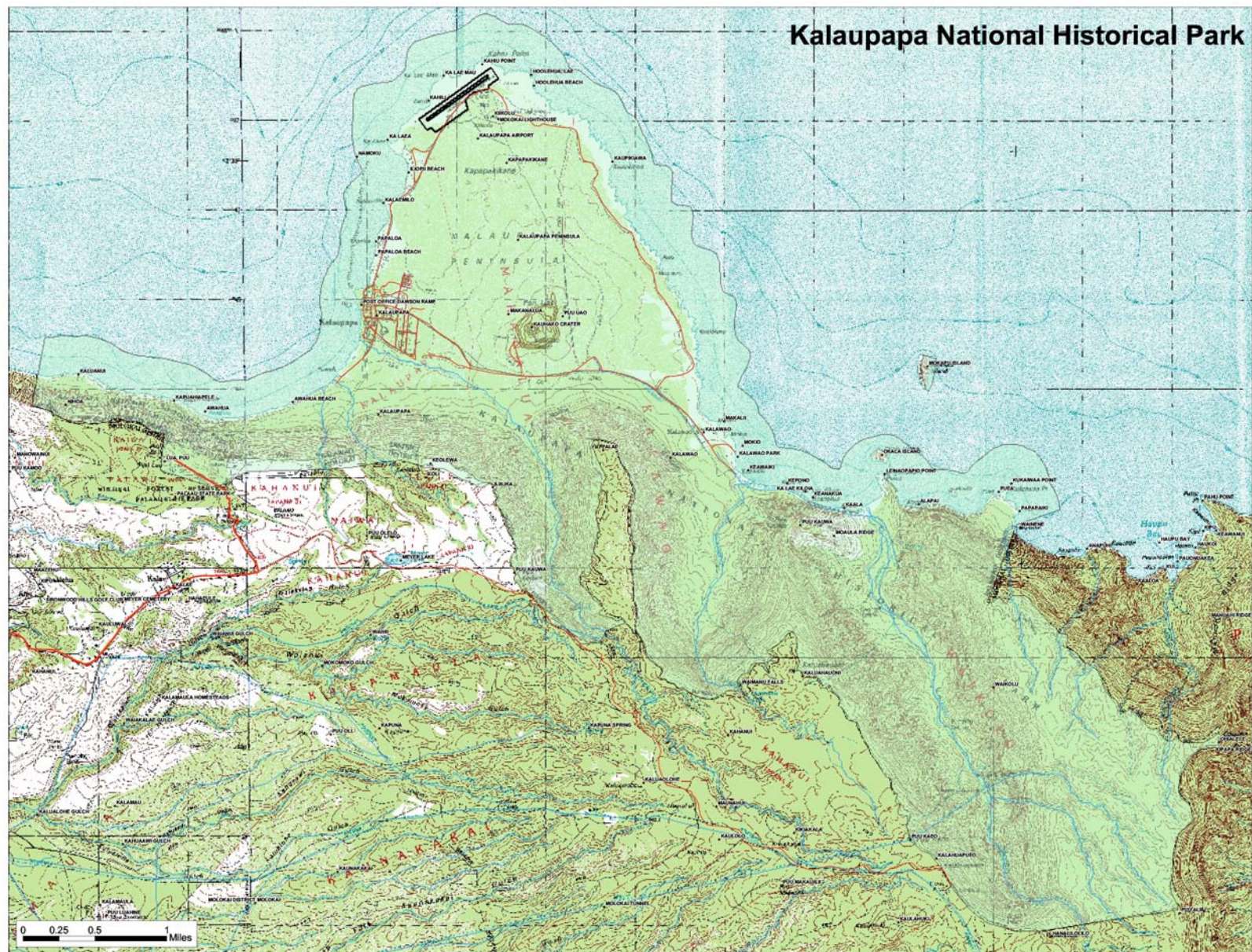
## **Part 2 – Setting**

### **A. Introduction**

The discussion below summarily describes the setting for the Kalaupapa National Historical Park ATMP project. A description of the Park's natural resources, cultural resources, visitor experiences, and commercial air tour activity are provided to assist the public and agencies in the preparation of meaningful comments. The most useful comments are those that address the scope of analysis, present significant issues, and suggest reasonable alternatives with the greatest specificity possible.

The planning area for the Kalaupapa National Historical Park ATMP project is depicted on Figure 2. The area encompasses the Kalaupapa National Historical Park and the area within ½ mile outside the boundary of the Park. The study area also includes Molokai's sole 94 ha (233 acre) heavily wooded Pala'au State Park, which contains an overlook that provides prominent views of the Kalaupapa Peninsula. The National Parks Air Tour Management Act limits the applicability of the Air Tour Management Plan to operations conducted within this area. Although the scope of authority is limited, the FAA recognizes its responsibility under applicable environmental laws to consider impacts on potentially affected resources located in the vicinity of the Kalaupapa National Historical Park but in excess of a ½ mile outside the boundary of the Park.





**Figure 2 – Kalaupapa National Historical Park Planning Area**



## **B. Kalaupapa National Historical Park - Natural Resources, Cultural Resources and Visitor Experience**

Kalaupapa National Historical Park is located midway along the north shore of Molokai Island in the state of Hawaii. The park has an area of 10779 acres, 8779 acres of which are land and 2000 acres of which are water. The boundaries of the park extend 0.25 mile offshore and encompass the islets of Huelo and 'Okala. The State of Hawaii owns nearly all of the lands and offshore waters within the authorized boundary of Kalaupapa National Historical Park. A single 23-acre parcel surrounding the historic Molokai Light Station is owned by the NPS.

Kalaupapa National Historical Park was established on December 22, 1980 (Public Law 96-565). The major provisions are to provide for the preservation of the unique nationally and internationally significant cultural, historic, educational, and scenic resources of the Kalaupapa Settlement. Congress declared two of the principle purposes of the park as follows:

- 1.) To preserve and interpret the Kalaupapa Settlement for the education and inspiration of present and future generations;
- 2.) To provide a well-maintained community in which the Kalaupapa leprosy patients are guaranteed that they may remain at Kalaupapa as long as they wish; to protect the current lifestyle of these patients and their individual privacy; to research, preserve, and maintain important historic structures, traditional Hawaiian sites, cultural values, and natural features, and to provide for limited visitation by the general public.

Kalaupapa National Historical Park is part of the Molokai North Shore National Natural Landmark, and the entire park is listed on the National Register of Historic Places as a National Historic Landmark District. The Kalaupapa Peninsula, isolated within an archipelago which itself was isolated from the world, became globally newsworthy in the mid to late 1800s when the first Hansen's Disease (leprosy) patients were sent into exile, first to the peninsula's Kalawao Settlement and later the Kalaupapa Settlement. The Native Hawaiian population living on the peninsula at that time was ultimately uprooted and displaced, first from the settlement of Kalawao in 1866 followed by a second wave at Kalaupapa Settlement in the 1890s, resulting in the cut of cultural ties and associations of generations of native peoples with the land. Kalaupapa preserves the cultural and historic remains that are evidence of this history. Today, the Kalaupapa Settlement continues to be home for many surviving Hansen's disease patients, while in the abandoned historic settlement of Kalawao remain two historic churches associated with the establishment of the first Hansen's disease settlement.

Kalaupapa National Historical Park is a monument to the history of its physical setting, Native Hawaiian traditional culture, and nearly 8,000 lives exiled in efforts to shield society from leprosy. The park contains over 250 historic buildings, and over 1300 grave markers, most of which are listed as classified structures on the National Register of Historic Places. Additionally, an estimated 8,000 archeological sites located park-wide serve as evidence of the early Hawaiian populations that once inhabited the Kalaupapa peninsula and Waikolu, Wai'ale'ia, and Waihanau valleys. As a result of the area's history of geographical and social isolation, the Kalaupapa peninsula remains one of the largest intact archeological preserves in the Hawaiian Islands today. The Hansen's disease patients who continue to live in Kalaupapa are of primary importance for the park. Their presence, knowledge, and background make this park unique in the national park system. Kalaupapa Settlement is a quiet, orderly community, functioning now as it has done so for many years in the past. The patients are not restricted in their use of the peninsula, and the whole atmosphere of the community lends itself to a feeling of timelessness. Kalaupapa National Historical Park has been mandated to preserve their stories as well as the historic character of this unique heritage place.

There have been no extensive inventories of mammal species completed for Kalaupapa. However, humpback whales (*Megaptera novaeangliae*), a protected species, winter in the Hawaiian Islands from December to April and are regularly observed near the coast of Kalaupapa. Additionally, among the Hawaiian national park units, Kalaupapa National Historical Park is unique in that it has recorded dolphin and whale species as well as five Hawaiian monk seal births within its boundaries. The Hawaiian monk seal is endangered, and it is thought that the secluded locale of Kalaupapa beaches is what attracts this extremely rare animal to the Park's shores. Kalaupapa National Historical Park provides nesting habitat for

endangered seabirds, including the 'Ua'a, or dark-rumped petrel (*Pterodroma phaeopygia sandwichensis*), and 'A'o, or Newell's shearwater (*Puffinus newelli*).

Kalaupapa National Historical Park receives more than 76,000 visitors annually. About 66,000 people visit the Kalaupapa peninsula overlook in Pala'au State Park, while 10,000 come to Kalaupapa settlement via mule rides, hiking, or by plane. Concerning visitor usage, the park's 1980 General Management Plan (GMP) states that tours will be carefully controlled, both in numbers and location, to a level that is both agreeable to the resident patient community and in accordance with Department of Health regulations. Also stated within the GMP is that the park is required to manage the Kalaupapa Leprosy Settlement in a manner that will ensure that the resident patients may live there with minimum disturbance from the general public and other outside elements.

### **C. Commercial Air Tour Activity and Visitor Experience**

There are currently three existing operators who provide commercial air tours over and within ½ mile outside the boundary of the Kalaupapa National Historical Park. Approximately 250 commercial air tour operations are conducted per year. This figure is based on the operator's applications for Air Tour Operating Authority submitted pursuant to 14 Code of Federal Regulations Part 136. In the applications, each operator was required to report the greater of the number of commercial air tour operations conducted during the twelve-month period preceding April 5, 2000, or the average number of commercial air tour operations conducted by the operator during the three-year period preceding April 5, 2000. In accordance with the National Parks Air Tour Management Act and Title 14, Code of Federal Regulations, Part 136, the annual air tour operations over and within ½ mile outside the boundary of the Kalaupapa National Historical Park are currently capped at the number of operations reported in the operator's application, unless otherwise authorized by the FAA and NPS, or until the ATMP is implemented.

All existing commercial air tour operations at Kalaupapa are certificated by the FAA in accordance with the requirements of Title 14 Code of Federal Regulations Parts 91 and 135. Special Federal Aviation Regulation, Part 71 applies to all fixed-wing and rotor-wing air tour flights conducted under Visual Flight Rule conditions within the State of Hawaii. Special Federal Aviation Regulation, Part 71 provides procedural, operational, and equipment requirements beyond those required under Code of Federal Regulations Parts 91 and 135. The FAA has proposed national safety standards to govern commercial air tours (Docket No. FAA-1988-4521; Notice No. 03-10) (See Federal Register 60572, October 22, 2003) If this proposed rule is adopted the rule will replace the requirements of SFAR 71 in Hawaii and apply throughout the country.

Those who experience the Park solely by means of a commercial air tour are considered legitimate visitors to the park although their experience of the park resources and values is quite different in most cases from that of the ground-based visitor. The air tour visitor experience often varies depending on weather conditions and the desires of the air tour client/visitor (i.e. length of flight, geographic features of special interest, etc.). The majority of commercial air tour operations that fly within Kalaupapa currently originate at Maui.

## **Part 3 - Federal Action and Range of Alternatives**

### **A. Federal Action**

The Federal action associated with this project is the establishment of an Air Tour Management Plan (ATMP) for Kalaupapa National Historical Park, which accomplishes the objective set forth in the Air Tour Management Act of 2000, which is to establish acceptable and effective measures to mitigate or prevent the significant adverse impacts, if any, of commercial air tour operations upon the natural and cultural resources, and visitor experiences. The purpose and need for this project stem from the enactment of the Air Tour Management Act of 2000, wherein the U.S. Congress directed the FAA, in cooperation with the NPS, to establish an ATMP for any national park or tribal lands for which such a plan is not in effect whenever a person applies for authority to conduct a commercial air tour operation over the park. Eleven persons have applied to the FAA for operating authority to conduct commercial air tour operations over Kalaupapa National Historical Park, which triggers the need to develop an ATMP at this park. Following completion of the ATMP planning and environmental process, appropriate implementation actions will be taken for the selected ATMP alternative. This may include Federal Rulemaking. The FAA and NPS are

actively preparing to make a decision on one or more alternative means of meeting the Air Tour Management Plan objective while also complying with the existing legislative, regulatory, and, to the greatest extent possible, the policy mandates of both agencies.

In Section 802 of the National Parks Air Tour Management Act of 2000, Congress found, in relevant part, that (1) the Federal Aviation Administration has sole authority to control airspace over the United States; (2) the Federal Aviation Administration has the authority to preserve, protect, and enhance the environment by minimizing, mitigating, or preventing the adverse effects of aircraft overflights on public and tribal lands; and, (3) the National Park Service has the responsibility of conserving the scenery and natural and historic objects and wildlife in national parks and of providing for the enjoyment of the national parks in ways that leave the national parks unimpaired for future generations. The relevant FAA legislative, regulatory, and policy mandates are primarily defined by the Federal Aviation Act of 1958 (49 U.S.C. 40103(b)), the Air Tour Management Act of 2000 (49 U.S.C. 40128), and the Department of Transportation Act of 1966 (49 U.S.C. 303(c)). The relevant NPS legislative, regulatory, and policy mandates are primarily defined by the Organic Act of 1916 (16 USC 1, 2-4), the General Authorities Act of 1976 (16 USC 1a-1 through 1a-8), the Redwoods Act of 1978 (P.L. 95-250, 92 Stat. 163, 16 USC 1a-1), and the enabling legislation specific to Kalaupapa National Historical Park. The determination of significant adverse impacts, if any, for this ATMP will be made by the FAA and the NPS, based on the National Parks Air Tour Management Act of 2000 as well as the aforementioned legislative, regulatory, and policy mandates of the FAA and the NPS, other pertinent environmental laws, and the purposes and values of Kalaupapa National Historical Park (described in Part 2B of this document).

The Air Tour Management Act of 2000 specifies that the ATMP be developed by means of a public process. This scoping process is one of the early elements of that public process. As a result, a specific “preferred alternative” for the ATMP has not yet been identified. No determination has yet been made on the justification or need for any limitations or restrictions on commercial air tour operations over and in the vicinity of Kalaupapa National Historical Park with the exception of those specified in existing Federal Regulations. The FAA and NPS preferred ATMP alternative will be identified following scoping and following the conduct of a complete environmental analysis. The FAA and NPS may identify a preferred alternative in the Draft Environmental Assessment, which will be made available for public review and comment.

## **B. Range of Alternatives**

### **1. No Action Alternative**

The environmental impacts of the No Action alternative must be considered for comparative purposes in accordance with the National Environmental Policy Act and the implementing regulation of the Council on Environmental Quality Regulations (40, CFR Parts 1500-1508). This is required even in situations such as this where the FAA and NPS are under legislative command to develop an ATMP. The “No Action” alternative assumes the continuation of the present course of action as can be expected if an ATMP is not developed for Kalaupapa National Historical Park. Existing caps on the number of commercial air tour operations and the limitations on new entrants imposed under Code of Federal Regulations Part 136 will also be assumed to continue in effect under this No Action Alternative. The No Action Alternative will be more fully described and will be carried forward for detailed analysis in the Environmental Assessment.

### **2. No Prohibitions, Conditions, Restrictions, or Limitations Alternative**

An ATMP alternative that assumes no prohibitions, conditions, restrictions or limitations on commercial air tour operations will be analyzed. The Air Tour Management Act requires any prohibition, condition, restriction, or limitation on commercial air tour operations to be justified. Under this alternative, there would be no caps, limitations, restrictions, or federally specified routes for commercial air tour operations over the Park other than those specified in existing Federal safety regulations.

### **3. Other Alternatives**

The FAA will determine if any mitigation measures are justified and develop other alternatives that will incorporate such mitigation measures as deemed appropriate.

If mitigation measures are justified, a range of potential mitigation measures will be screened for possible use at Kalaupapa National Historical Park. Table 1 provides a list of potential mitigation measures, which

may be utilized either individually or in combination. The Air Tour Management Act specifically authorizes the use of these measures when their use is justified and the need is documented. Additional mitigation measures and alternatives might be suggested by the NPS, as a cooperating agency, and by the public or by other agencies. Such alternatives could be carried through analysis in response to specific issues about the effects of commercial air tour operations on park resources and visitor experiences. Consideration of the impacts of such alternatives may also provide a basis or justification for mitigation.

**Table 1 - Potential Mitigation Measures**

<b>POTENTIAL MITIGATION MEASURES – PROHIBITIONS and CONDITIONS</b>	
❖	In-Whole Prohibition on Commercial Air Tour Operations
❖	In-Part Prohibition on Commercial Air Tour Operations
❖	Establishment of Commercial Air Tour Routes
❖	Establishment of Maximum and/or Minimum Commercial Air Tour Altitudes
❖	Time-of-Day Restrictions for Commercial Air Tour Operations (Including Curfews)
❖	Restrictions on Commercial Air Tour Operations for Particular Events
❖	Maximum Number of Commercial Air Tour Flights Per Unit of Time (Capacity Limits)
❖	Conditions Necessary for Mitigation of Intrusions on Privacy on Tribal Lands.
❖	Other Prohibitions or Conditions Necessary for Mitigation of Noise, Visual, or Other Impacts

Alternatives that are not practicable or otherwise do not satisfy the Purpose and Need for the project would not be carried forward for detailed analysis within the Environmental Assessment. A reasonable number of alternatives and the no action alternative will be carried forward for detailed analysis. A discussion of each of the initial alternatives not carried forward and the reasons for it not being carried forward will be included in the Environmental Assessment. The public will have an opportunity to view the alternatives analysis when the Draft Environmental Assessment is distributed for public review and comment.

### **C. Provisions Common to All Alternatives**

Commercial air tour operators must continue to comply with all applicable requirements of Special Federal Aviation Regulation Part 71 when operating over and within ½ mile outside the boundary of the Kalaupapa National Historical Park unless otherwise specifically authorized in the ATMP or by the Administrator. This continuing requirement will be assumed for all ATMP alternatives.

As required by the Air Tour Management Act, any ATMP alternative that establishes commercial air tour routes, minimum or maximum altitudes, caps, or curfews shall also include incentives for the adoption of quiet aircraft technology. This requirement will be satisfied for any alternative for which it is applicable. The incentives may include:

- Preferred Routes (if any routes are proposed)
- Preferred Altitudes (if any maximum or minimum altitudes are proposed)
- Partial or Total Relief from Caps (if any caps are imposed)
- Partial or Total Relief from Curfews (if any curfews are imposed)
- Other Appropriate Incentives

## **Part 4 - Initial List of Environmental Issues**

### **A. Introduction**

For the purposes of preparing environmental documents under the National Environmental Policy Act, the FAA is the lead agency and the NPS is a cooperating agency. The FAA and NPS have executed a Memorandum of Understanding regarding implementation of the Air Tour Management Act and development of ATMPs. The Agencies have agreed, among other things, that the development of ATMPs and associated environmental document(s) under National Environmental Policy Act will be a fully cooperative process recognizing and complying, to the greatest extent possible consistent with the FAA's responsibility as lead agency, with the existing legislative, regulatory, and policy mandates of both



agencies. The Air Tour Management Act specifically requires that "...the Administrator and the Director shall each sign the environmental decision document required by section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332) which may include a finding of no significant impact, an environmental assessment, or an environmental impact statement, and the record of decision for the air tour management plan."

FAA Order 1050.1D, *Policies and Procedures for Considering Environmental Impacts*, sets forth specific environmental analysis procedures to be used in preparing Environmental Assessments and Environmental Impact Statements. A copy of the Order is available via the FAA's Website at [www.aee.faa.gov/e3/1050pt1d](http://www.aee.faa.gov/e3/1050pt1d). In accordance with this Order, the impacts (including cumulative impacts) of existing commercial air tour operations and any ATMP alternatives carried forward for detailed study will be evaluated in each of the 18 environmental impact categories listed below.

### **B. Environmental Impact Categories**

1. Impacts on Air Quality (including potential visibility impairment)
2. Impacts on Historical, Architectural, Archeological, & Cultural Resources and Settings
3. Impacts on Coastal Resources
4. Light Emissions and Visual Impacts
5. Compatible Land Use Impacts
6. Impacts on use of (consumable) natural resources and Energy Supply
7. Construction Impacts
8. Noise Impacts
9. Impacts on properties protected under 49 U.S.C. 303 (Dot Act 4(f))
10. Secondary (Induced) Impacts
11. Impacts on Farmland
12. Socioeconomic Impacts (including Environmental Justice)
13. Impacts on Fish, Wildlife, and Plants (including Threatened and Endangered Species)
14. Impacts on Water Quality
15. Impacts on Floodplains and Floodways
16. Impacts on Wetlands
17. Impacts of Hazardous Materials and Solid Waste
18. Impacts on Wild and Scenic Rivers
19. Visitor Impacts

### **C. Initial Issues**

One objective of this scoping process is to assist the FAA in determining the scope and the significant issues to be analyzed in depth in the Environmental Assessment. As a result the FAA may identify and eliminate from detailed study the issues which are not relevant thereby narrowing the discussion of these issues in the Environmental Assessment. At this early stage in the planning process, the FAA and NPS are considering the following environmental issues to be particularly important:

- Potential noise impacts
- Potential impacts on visitor experience
- Potential impacts on native Hawaiian culture

The FAA is now inviting the public, agencies, and other interested parties to provide comments, suggestions, and input regarding the scope, issues, and concerns regarding commercial air tours and their potential impacts to be addressed in the environmental process and related to the development of the ATMP for Kalaupapa National Historical Park.

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